

BEFORE THE
POSTAL REGULATORY COMMISSION

Periodic Reporting
(UPS Proposals One, Two, and Three)

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: Docket No. RM2016-2
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**UNITED PARCEL SERVICE, INC.'S UNCONTESTED
MOTION REQUESTING CONTINUED ACCESS TO NON-
PUBLIC MATERIALS UNDER PROTECTIVE CONDITIONS**

(October 13, 2015)

United Parcel Service, Inc. ("UPS") respectfully submits this Motion pursuant to Commission Rule 3001.21, requesting an extension of the continued access to non-public materials the Commission originally granted in Order Nos. 2321 and 2363, for the pendency of the proceedings in this docket.¹ UPS is authorized to report that the Postal Service does not object to this request.

On October 8, 2015, UPS filed a rulemaking petition in this docket that seeks to make changes to Postal Service costing practices applicable to competitive products. UPS has been assisted in preparing this petition by Dr. Kevin Neels of the Brattle Group, and his team, whose work was aided by the access the Commission has

¹ The Commission originally granted access to selected non-public data for UPS's outside counsel and consultants in Dkt. No. ACR2014, Order No. 2321 (Jan. 15, 2015). That access was expanded to 10 additional counsel and consultants in Order No. 2326 (Jan. 16, 2015), narrowed in scope at UPS's request and extended for ninety days in Order No. 2436 (Apr. 13, 2015) ("Order 2436"), and extended for another ninety days in Order No. 2584 (July 15, 2015). In the City Carrier Street Time docket, the Commission granted access to non-public city carrier data for these same outside counsel and consultants. Dkt. No. RM2015-7, Order No. 2363 (Feb. 24, 2015); *see also* Order No. 2455 (Apr. 23, 2015) (granting UPS's motion for issuance of Commission Information Request and for access to the non-public information requested).

granted to non-public costing data over the past nine months. In connection with the petition, Dr. Neels filed a report describing analyses he conducted using this data and attaching, as non-public library references, back-up materials.² As this docket now proceeds, it is essential that Dr. Neels and his team, and UPS's outside counsel, retain access to the data analyzed by the Brattle Group in connection with the petition.

Both the Postal Service and the Commission have previously supported UPS's continued access to this data in connection with the petition. The Postal Service acknowledged UPS's "serious efforts" toward preparing its petition and its "long-standing history" of participation before the Commission as factors in favor of allowing UPS to retain access to the data. Dkt. No. ACR2014, Postal Service Response at 2 (Apr. 3, 2015). In granting UPS continued access to non-public data, the Commission similarly recognized "the work that UPS has already performed toward its contemplated rulemaking petition." Order 2436.

UPS's outside counsel and consultants will continue to abide by the terms of the protective conditions they have executed regarding this data. Among other things, these protective conditions ensure that the data will not be used for any business or commercial purpose. The data will only be used in connection with these proceedings. As noted, UPS conferred with the Postal Service regarding this request, and the Postal Service does not object to it.

² On October 9, 2015, the Postal Service requested, and the Commission granted, Postal Service access to these non-public library references. Dkt. No. RM2016-2, Uncontested Motion of the U.S. Postal Service for Access to Materials Filed Under Seal by United Parcel Service (Oct. 9, 2015); Order No. 2750, Order Granting Unopposed Access to Materials Filed Under Seal by United Parcel Service (Oct. 9, 2015).

CONCLUSION

UPS respectfully requests that the Commission grant its outside counsel and consultants continued access to the non-public data to which the Commission has previously granted them access, for the pendency of the proceedings in this docket.

Respectfully submitted,

UNITED PARCEL SERVICE, INC.,

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